



20 DEC 2006

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In re Application of	:	
BINKERT et al.	:	
Application No.: 10/580,169	:	DECISION ON PETITION
PCT No.: PCT/EP2004/012953	:	
Int. Filing Date: 16 November 2004	:	UNDER
Priority Date: 21 November 2003	:	
Attorney Docket No.: A0345.0025	:	37 CFR 1.497(d)
For: NOVEL THIAZOLIDIN-4-ONE	:	
DERIVATIVES	:	

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)(1)" filed in the United States Patent and Trademark Office (USPTO) on 01 December 2006, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 16 November 2004, applicants filed international application PCT/EP2004/012953, which designated the United States and claimed a priority date of 21 November 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 May 2006 (21 May 2006 being a Sunday).

On 19 May 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 01 December 2006, applicants filed the instant "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)(1)", which has properly been treated as a petition under 37 CFR 1.497(d). The petition was accompanied by a statement by Oliver Nayler, a consent of assignee statement, and a statement under 37 CFR 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an

inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 01 December 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Christoph Binkert, Martin Bolli, Boris Mathys, Claus Mueller, Michael Scherz, and Oliver Nayler as inventors.



Daniel Stemmer

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